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Patent No.: 6750346 B2
Inventor: Peter Czerney, et al.
Issued: June 15, 2004
Title: STABLE NEAR-INFRARED (NIR) MARKER DYES BASED ON BENZOPYRILIUM-
POLYMETHINES

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, is based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a petition, under 37 CFR 1.183, requesting the requirements of 37 CFR 3.81 to be waived, is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A petition to correct the Assignee under 37 CFR 1.183 should include:

- A. the petition fee set forth in 37 CFR 1.117(h) (currently \$130);
- B. a request that 37 CFR 3.81(a) be waived to permit the correct name of the assignee to be provided;

- C. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- D. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Petition, Applicant(s) may request that the file is forwarded to Certificates of Correction Branch, for issuance of a Certificates of Correction, if the Petition is granted.

Any petition under 37 CFR 1.183 should be directed to the attention of the Assistant Commissioner for Patents, using the following mailing address or FAX number.

By Mail: Commissioner of Patents and Trademarks
 Mail Stop: Petitions
 Alexandria, VA 22313

By Fax: (703) 308-6916
 Attn.: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

A certificate of correction will be issued for the remaining errors mentioned in your request.

Virginia Tolbert
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-8309 or (703) 305-1882

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